

### **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

The specification and abstract have been reviewed and revised to improve their English grammar. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification and abstract, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Claim 9 has been cancelled without prejudice or disclaimer of the subject matter contained therein.

Further, independent claims 1, 11, 15, 19 and 27-29 have been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

It is also noted that claims 1-5, 7, 8, 10-12, 14-16, 18, 19 and 21-29 have been amended to make a number of editorial revisions thereto. These editorial revisions have been made to place the claims in better U.S. form. Further, these editorial revisions have not been made to narrow the scope of protection of the claims, or to address issues related to patentability, and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents.

Claims 1, 2, 4, 7, 9-11, 14-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Franklin et al. (U.S. 6,263,436). Further, claims 3, 5, 6, 8, 12, 13, 16, 17, 21 and 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Franklin,

Nagel et al. (U.S. 7,181,017), Uesaka et al. (U.S. 6,044,157), and Eberhardt (U.S. 5,832,488).

These rejections are believed clearly inapplicable to amended independent claims 1, 11, 15, 19 and 27-29 and claims 2-8, 10, 12-14, 16-18 and 20-26 that depend therefrom for the following reasons.

Independent claim 1 recites an exchange system for exchanging data between first and second units connected to each other. Further, claim 1 recites that the system includes a transmission means that (1) transmits, to the first unit, a decryption key necessary for reproducing encrypted content data obtained by the first unit from the second unit. In addition, claim 1 recites that the transmission means (2) transmits, to the second unit, a decryption key necessary for reproducing encrypted content data obtained by the second unit from the first unit. Moreover, claim 1 recites that the transmission means (3) performs the transmitting, of the decryption keys, only when the first unit has successfully received the encrypted content data of interest to the first unit and the second unit has successfully received the encrypted content data of interest to the second unit. Franklin fails to disclose or suggest above-mentioned distinguishing features (1)-(3) as recited in independent claim 1.

Franklin teaches that a first unit (i.e., unit X) and a second unit (i.e., unit Y) exchange respective documents (i.e., document 1 held by the first unit and document 2 held by the second unit) using an exchange device (i.e., unit Z) (see col. 6, lines 44-67). Specifically, Franklin teaches that the first unit divides document 1 into two parts, such that part 1 is transferred directly to the second unit and part 2 is transferred to the exchange device so that the exchange device can transfer part 2 of document 1 to the second unit only if the second unit transmits a checksum to the exchange device. It is also noted that the transfer of document 2 to the first unit

is performed in the same manner (i.e., the second unit divides and transmits document 2 to the first unit and the exchange device).

In addition, in relation to decryption keys, Franklin teaches that the first unit divides a decryption key (for decrypting document 1) into part 1 and part 2 and transmits part 1 of the decryption key to the second unit and transmits part 2 of the decryption key to the exchange device, such that the exchange device will only transmit part 2 of the decryption key to the second unit once it has been verified that part 1 of the decryption key has been transmitted from the first unit to the second unit (see col. 6, lines 34-43). It is also noted that the second unit performs the same operation using another decryption key (for decrypting document 2) (i.e., part of the other decryption key is transmitted to the first unit and another part of the other decryption key is transmitted to the exchange device).

Thus, in view of the above, it is clear that Franklin teaches that a decryption key is split into part 1 and part 2, wherein part 1 is transmitted directly from a first unit to a second unit and part 2 is transmitted from the first unit to an exchange device and then to the second unit only if a verification is made, but fails to disclose or suggest an exchange device that transmits a decryption key to the first unit, as required by claim 1. In other words, Franklin fails to disclose or suggest that the entire decryption key (i.e., decryption key that is not split) is transmitted, from the exchange device, to the first unit, as required by claim 1.

In addition, in view of the above, it is apparent that Franklin teaches that document 1 is split into part 1 and part 2, wherein part 1 is transmitted to a second unit and part 2 is transmitted to an exchange device, but does not disclose or suggest that the first unit transmits, to the second unit, the entire encrypted content data of interest and the second unit transmits, to the first unit,

the entire encrypted content data of interest, as recited in claim 1.

Moreover, it is also evident that Franklin teaches that the transfer of the decryption key and the document are independent from one another (i.e., the transfer of the decryption key is not tied to the transfer of the document), but fails to disclose or suggest that the exchange device transmits the decryption keys, only when the first unit has successfully received the encrypted content data of interest to the first unit and the second unit has successfully received the encrypted content data of interest to the second unit, as required by claim 1. In other words, Franklin teaches that the transfer of the decryption key and the document occur independent of one another, but fails to disclose or suggest that the transmission of the decryption key depends upon the successful transmission of the content data of interest, as recited in claim 1. Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-8 and 10 that depend therefrom are not anticipated by Franklin.

Regarding dependent claims 3, 5, 6 and 8, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franklin in view of various combinations of Nagel, Uesaka, and Eberhardt (secondary references), it is respectfully submitted that these secondary references do not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the secondary reference. Therefore, no obvious combination of Franklin with any of the secondary references would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-8 and 10 that depend therefrom.

Furthermore, there is no disclosure or suggestion in Franklin, Nagel, Uesaka, and Eberhardt or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Franklin, Nagel, Uesaka, and/or Eberhardt to obtain the invention of

independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-8 and 10 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 11, 15 and 19 are directed to a device and claims 27, 28 and 29 are directed to a computer program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1 (e.g., transmitting of the decryption keys and the encrypted content data of interest). Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 11, 15, 19 and 27-29 and claims 12-14, 16-18 and 20-26 that depend therefrom are allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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